

PROTECTING CANADA'S SPECIES AT RISK: PROPER SPECIES AT RISK ACT (SARA) IMPLEMENTATION FUNDING

The Green Budget Coalition recommends that the Government of Canada provide funding of \$225 million over five years starting in Budget 2016 to the Department of Environment and Climate Change, Fisheries, Oceans and the Canadian Coast Guard, and Parks Canada Agency in order to increase "B-base" funding for the proper implementation of the Species at Risk Act.

Investment required

For 2016/2017: \$25 million

For ongoing: \$50 million/year over four years

Summary

The *Species at Risk Act* (SARA) is one of Canada's key federal environmental laws. Its passage into law in 2002 represented an important step forward in protecting Canada's endangered wildlife and the habitat they need to survive. SARA is a strong law that offers potential to help endangered species survive and recover. Unfortunately, the federal Species at Risk Act has never been fully implemented as envisaged in the legislation.

The Minister of Environment and Climate Change was mandated to "enhance protection of Canada's endangered species by responding quickly to the advice of scientists and completing robust species-at-risk recovery plans in a timely way" as described in the mandate letter to the Minister.¹ This proposed increase in B-base funding would help enable the implementation of this commitment.

In the absence of full implementation, SARA cannot effectively meet its objective of protecting species at risk in Canada. The failure to implement a full suite of SARA policy tools and flexibility mechanisms creates tremendous uncertainty for project proponents and leaves Canada with an impaired species protection regime (though the Act itself is essentially sound) and with no one feeling particularly pleased with the status quo. We believe that additional financial resources are necessary to deal with several different obstacles that stand in the way of full implementation of the Act. These investments through Budget 2016 complement those proposed for [National Parks and National Wildlife Areas](#) as well as for [Migratory Birds Conservation](#).

¹ Prime Minister of Canada, November 2015, Mandate Letter to the Minister of Environment and Climate Change, available at: <http://www.pm.gc.ca/eng/minister-environment-and-climate-change-mandate-letter>

Background and Rationale

A backlog of recovery strategies and action plans means that the majority of species at risk are not moving through the five stages of the recovery process under SARA. This critique has been long standing and has been highlighted in several reviews and audits of SARA, both internal and external. As was noted in the 2012 report of the Audit and Evaluation Branch of Environment Canada:

“... [A] joint posting plan will be published and updated as required on the SARA registry by March 2013 in order to outline the species and recovery documents that will be posted and consulted on for a given fiscal year. Despite this prioritization, it will not be possible for departments to clear the backlog of overdue recovery documents in the short term within current resources.”²

Likewise, the Commissioner of the Environment and Sustainable Development noted in a fall 2013 audit report that:

“Environment Canada, Fisheries and Oceans Canada, and Parks Canada have not met their legal requirements for establishing recovery strategies, action plans, and management plans under the Species at Risk Act. While the organizations have made varying degrees of progress since our 2008 audit in completing the recovery strategies they are responsible for, 146 recovery strategies remain to be completed as of 31 March 2013. Out of the 97 required action plans, only 7 were in place. The required management plans for species of special concern were not completed in 42 percent of cases.”³

Another barrier to full implementation pertains to the absence of funding to enable the development of policies to guide the full utilization of mechanisms under SARA such as section 11 conservation agreements or section 73 permits and agreement (the so-called “flexibility mechanisms.”) These flexibility mechanisms are important because they encourage participation and buy-in from individuals, entities, and sectors active on the ground where the species live, and where protection/stewardship efforts can be most effective. These mechanisms can be used to encourage the protection of species and their critical habitat and are an important aspect of the Act that has been entirely underutilized to date.

One reason for the slow pace of deploying flexibility mechanisms is that they require an interdepartmental policy framework for implementation as well as sufficient financial resources be brought to the table to incentivize stakeholders and to monitor effectiveness over time. By applying more of its resources to implement recovery plans and strategies the federal investment can be used to leverage private sector funds and in-kind contributions to implement SARA on the ground.

2 Government of Canada, 2012, Evaluation of Programs and Activities in Support of the Species at Risk Act, 2012, http://www.ec.gc.ca/ae-ve/6AE7146E-0991-4C2F-BE2F-E89DF4F8ED1E/13018_EC_ID_1568_PDF_accessible_ANG.pdf.

3 2013 Fall Report of the Commissioner of the Environment and Sustainable Development, Chapter 6, http://www.oagbvg.gc.ca/internet/docs/parl_cesd_201311_00_e.pdf

Considerations

The ongoing failure to properly protect species at risk represents a breach of Canada's commitments under the U.N. Convention on Biological Diversity, and also leaves Canada open to a challenge before the Commission for Environmental Cooperation.

After years of political neglect federal leadership is needed, especially with respect to species for which the federal government has constitutional responsibilities such as migratory birds and marine species, to deliver on the full potential of SARA.

Contact

Pierre Sadik
Manager of Legislative Affairs
Ecojustice Canada
psadik@ecojustice.ca

Stephen Hazell
Dir. of Conservation and General Counsel,
Nature Canada
shazell@naturecanada.ca



Canadian
Environmental Law
Association
EQUITY. JUSTICE. HEALTH.



CPAWS-SNAP
CANADIAN PARKS AND
WILDERNESS SOCIETY
SOCIÉTÉ POUR LA NATURE
ET LES PARCS DU CANADA



David
Suzuki
Foundation

SOLUTIONS ARE IN OUR NATURE



Ducks Unlimited Canada
Conserving Canada's Wetlands

ecojustice



Ecology Action Centre

Les Ami(e)s
de la Terre
Friends of
the Earth

GREENPEACE



IISD
International Institute for
Sustainable Development

Nature
CANADA

NATURE
CONSERVANCY
CANADA



WILDERNESS
COMMITTEE

WILDLIFE HABITAT
CANADA
HABITAT FAUNIQUE

